IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

STATUS CONFERENCE

In Re: Fluoroquinolone Products Liability)	C	OURT MINUTES
Litigation,		BEF	ORE: John R. Tunheim
			U.S. District Judge
Plaintiff,)		· ·
)	Case No:	15-2642 JRT
V.)	Date:	March 1, 2018
)	Deputy:	Heather Arent-Zachary
)	Court Reporter:	Renee Rogge
)	Time Commenced:	4:40 pm
Defendant.)	Time Concluded:	5:07 pm
)	Time in Court:	27 Minutes

Hearing on: Status Conference

1. Status of General Litigation

a. Federal Filing Update

Plaintiffs indicate that there are 320 cases with one or more Bayer defendants. There has been an increase of about 30 cases, in part due to the severing of an Oklahoma case and in part due to several cases being transferred in.

b. Philadelphia state court peripheral neuropathy litigation

In Philadelphia, the *Bryant* case remains. There was a *pro se* case, but it was dismissed. Two more cases have recently been filed, but they are considered 2017 filings and are not subject to the trial deadline of the *Bryant* case.

The parties had an informal conference with Judge Younge's clerk. They were told to request a firm trial date, which would likely be set for sometime in the fall. The parties are unsure whether it would be before or after the first bellwether trial here. The parties hoped to seek an extension but were told they could not do so until they show up at the final pretrial conference in May. The parties are trying to track the same schedule for experts in *Bryant* as they are here.

2. Discovery update

a. Outstanding written discovery

There remains an outstanding written discovery request, about which the parties plan to meet and confer. Plaintiffs submitted general causation and liability reports on February 16, 2018. Defendants' reports are due March 16, 2018.

b. Remaining depositions

Three fact depositions remain. One sales representative deposition is scheduled for tomorrow. The other two are for a treating physician and prescribing physician in the *Heller* case. Dr. Comstock is scheduled for Tuesday, March 6, 2018, and Dr. Loreno is scheduled for March 12, 2018. That will complete fact depositions.

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3. Plaintiffs' request to amend scheduling order

Because the Court granted Plaintiffs additional time to submit their bellwether trial case selections, they now face a quick turnaround with the case-specific expert report deadlines, which would require them to prepare expert reports for all the cases in the bellwether pool in order to be done on time. To avoid spending unnecessary money to develop expert reports that might not be in play, Plaintiffs ask for an extension of the deadline for disclosures related to case-specific expert reports. Defendants oppose this request because they are concerned about continuing to push back intermediate dates, especially given that the turnaround time for depositions is already very tight.

The Court will move Plaintiffs' case-specific expert designation deadline to April 11, 2018. A short order will be forthcoming. If the parties wish to move other deadlines accordingly, the Court asks that they submit a joint proposal.

Upcoming Status Conference: Tuesday, April 17, 2018, at 4:30 p.m.

APPEARANCES:

Plaintiffs: Bill Robins III, Thomas Sims, Yvonne Flaherty, R. Jason Richards

Defendants: Lori Leskin, Andrew Solow, Michelle Tessier

On the phone: David Wool, Christopher Nidel, Olga Viner, Tad Thomas, Michael Suffern, Matthew Sill, Sarah Wolter, Adrian Vega

s/Heather Arent-Zachary
Courtroom Deputy Clerk

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